IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 6420 of 2006
Date of Decision: 01.12.2006

Sh. Sunil Kumar and another ...Petitioners

Versus

Anil Kumar ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Akshay Bhan, Advocate, for the petitioners.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order of ejectment passed by the authorities under the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as `the Act') on the ground that the demised premises is required for the bona-fide use and occupation of the landlord.

The respondent-landlord has pleaded that the shop in question was rented out vide rent agreement dated 17.12.1993 (Exhibit A.2). It is the case of the landlord that he had been working in the shop of Delhi Cloth Mill, Jalandhar Cantt. as an employee and now he wants to start his own business and the shop in question is required for the said purpose. The tenant denied the bona-fide requirement pleaded and asserted that in fact, the intention of the landlord is to enhance the rent to Rs.3000/- per month.

The learned Rent Controller passed an order of ejectment

after relying upon the statement of the landlord appearing as AW1 and statement of AW2 Rakesh Kumar. The said order of ejectment has been affirmed in appeal as well.

Learned counsel for the petitioner has vehemently argued that the statement of the landlord is that he is still working in the shop, whereas the Courts have relied upon the statement of AW2 Rakesh Kumar, who has deposed that the landlord has left the shop and now-a-days he is unemployed. It is contended that since the landlord is already working as an employee with the Delhi Cloth Mill and is supplementing his salary with the rental income, therefore, the ground of ejectment that he requires the shop in dispute for his bona-fide use and occupation, is not made out. In fact, the ground is a devise adopted by the landlord to seek ejectment of the petitioner.

The premises was let out in the year 1993 @ Rs.2000/- per month. Once the landlord has sought ejectment of the tenant on the ground that he requires the shop in dispute to start his own business, the said intention cannot be doubted for the simple reason that he continues to be employed in the same manner as was in the year 1993. Every person has a right to decide as to what is good for him. If drawing of salary was considered relevant by the landlord in the year 1993, he can very well change his mind and assert that he wants to use the premises to start his own business in the year 2000. The tenant cannot dictate to the landlord that he must continue to work in the shop, though he has a building in which he can start his own business.

The authorities below have considered the bona-fide requirement of the landlord and believing the same, passed an order of

ejectment. Such finding is based upon appreciation of evidence and cannot be said to be suffering from any patent illegality or irregularity, which may require interference by this Court, in exercise of its revisional jurisdiction.

Hence, the present petition is dismissed in limine.

01-12-2006 (HEMANT GUPTA)
ds JUDGE